

*Please Read*



**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF DUXBURY**

**SPECIAL TOWN MEETING**

**WARRANT**

**SATURDAY, MARCH 11, 2017**

**AT 9:10 A.M.**

**DUXBURY SCHOOLS PERFORMING ARTS CENTER**

**73 ALDEN STREET**

**Plymouth, SS  
Greetings:**

**To either of the Constables of the Town of Duxbury, in said County:**

**In the name of the Commonwealth of Massachusetts you are directed to NOTIFY and WARN the INHABITANTS OF THE TOWN OF DUXBURY, qualified to vote in elections and in Town affairs, to meet in the Duxbury Schools Performing Arts Center, 73 Alden Street, in said Duxbury on SATURDAY, the ELEVENTH day of MARCH, 2017, next, at 9:10 A.M. for a SPECIAL TOWN MEETING, for the transaction of any business that may legally come before said meeting:**

## **ARTICLE 1 – SUPPLEMENTAL APPROPRIATIONS**

To see if the Town will authorize the Town Manager to transfer from available funds sums of money to supplement appropriations previously voted under Article 5 at the Annual Town Meeting of March 12, 2016, for the Fiscal Year beginning July 1, 2016, for various Town Departments, or take any action in relation thereto.

Proposed by the Board of Selectmen/Town Manager

**Explanation:** The purpose of this article is to supplement a number of line items in the current fiscal year's budget (FY17) in order to fund a number of additional expenses associated with various Town Departments.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

## **ARTICLE 2 – UNPAID BILLS**

To see if the Town will appropriate by transferring from available funds a sum of money to pay unpaid bills of previous years which may be legally unenforceable due to the insufficiency of an appropriation therefor, as follows:

<b>Line #</b>	<b>Vendor</b>	<b>Department</b>	<b>Amount</b>
<b>1</b>	Glynn Services	Facilities	\$ 268.00
<b>2</b>	Dorma USA, Inc.	Facilities	\$ 741.15
<b>3</b>	Goodrich	Highway	\$ 11.98
<b>4</b>	Verizon	Sewer	\$ 29.41
<b>5</b>	Michael Ayers	Water	\$ 55.67
<b>6</b>	Norman Smith	DPW Admin	\$ 42.00
<b>7</b>	Frank Davis	Transfer Station	\$ 172.99
<b>8</b>	Sprague Operating Resources	Central Buildings	\$ 14.73
<b>9</b>	Eversource	Street Lights	\$ 2,524.62
<b>10</b>	We Print Today	Police	\$ 60.00
<b>11</b>	Randy's Dry Cleaning & Tailoring	Police	\$ 1,176.14
<b>12</b>	Billingsgate Associates	Police	\$ 10,011.00
<b>13</b>	Goodrich	Police	\$ 45.21

; or take any action in relation thereto.

Proposed by the Town Manager

**Explanation:** These funds are needed to pay for bills received after the close of Fiscal Year 2016. Requires a 9/10 vote.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

### **ARTICLE 3 – FUND COLLECTIVE BARGAINING AGREEMENTS**

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to fund collective bargaining agreements with any one or more of the following employee organizations for the fiscal years commencing after July 1, 2015:

- Duxbury Police Union, MCOP Local 376B
- Duxbury Police Commanders Association
- Duxbury Police Dispatchers Union, MCOP Local 376A
- Duxbury Free Library Employees, Service Employees International Union, Local 888
- Duxbury Permanent Firefighter's Association, International Association of Firefighters Local 2167
- Duxbury Municipal Employees, AFSCME, Council 93, Local 1700, Duxbury DPW Employees
- Town of Duxbury Secretaries and Clerks, SEIU Local 888
- Duxbury Teachers Association
- Duxbury Teachers Association Instructional Assistants Unit C
- Duxbury Secretaries/Clerks Association (School)
- Local 1700, AFSCME, A.F.L.-C.I.O., Council 93 (School Custodians)

; or take any action in relation thereto.

Proposed by the Board of Selectmen/School Committee

**Explanation:** This article will fund collective bargaining agreements for positions in each of the contracts to be noted in the motion to be made at Town Meeting.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

### **ARTICLE 4 – CPC: CONSERVATION LAND PURCHASE**

To see if the Town will, upon recommendation of the Community Preservation Committee, do the following:

1. acquire by purchase, gift or eminent domain, on terms that the Board of Selectmen deems to be in the best interests of the Town, for open space purposes under the care and custody of the Conservation Commission as defined in M.G.L. Chapter 40, § 8C, a fee simple interest, encumbered with a permanent restriction pursuant to M.G.L. Chapter 184, in certain parcels of land, approximately 17.4+- acres, as shown on a plan of land on file at the Office of the Town Clerk and identified as 086-015-012 as shown on the Duxbury Assessors maps;

2. appropriate from the Community Preservation Fund a sum of money for the purposes of this Article, including land acquisition and any costs related thereto, and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money;
3. authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this Article;
4. authorize the Board of Selectmen to enter into certain agreements, on terms deemed by the Board of Selectmen to be in the best interest of the Town, to further the purposes of this article; and
5. authorize the Town Manager to expend sums of money from the Community Preservation Fund to further the purposes of this article

, or take any action in relation thereto.

Proposed by the Community Preservation Commission/Conservation Commission

**Explanation:** To fund the purchase of approximately 17.4+- acres of conservation land on Old Cordwood Path. Requires a 2/3rds majority vote.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

#### **ARTICLE 5 – PERCY WALKER POOL ENTERPRISE FUND**

To see if the Town will transfer from available funds a sum of money to be added to the Percy Walker Pool Enterprise Fund to supplement appropriations previously voted under Article 5 at the Annual Town Meeting on March 12, 2016 for the Fiscal Year beginning July 1, 2016, or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** The purpose of this article is to transfer money to the Pool Enterprise Fund for purposes related to support salary increases in the Classification & Compensation study.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

#### **ARTICLE 6 – REVOKE THE ENTERPRISE PROVISIONS OF THE M.G.L'S PERTAINING TO THE PERCY WALKER POOL**

To see if the Town will revoke the provisions of M.G.L. Chapter 44, Section 53F½, ceasing the Percy Walker Pool as an enterprise fund effective July 1, 2018; or take any action in relation thereto.

Proposed by the Finance Director

**Explanation:** The Percy Walker Pool has been run as an Enterprise Fund since its re-opening in 2010. Annually, fees have been reviewed and corrected in an attempt to make the pool a self-supporting operation. While the pool has proven itself to be a vital activity center, the revenues collected cannot support the direct and indirect costs associated with the operation. For each year-end, save one, since its re-opening, the Fund has run a deficit. Starting in FY 2018, we are recommending that the Percy Walker Pool be included as part of the General Fund operating budget where it was from its initial construction to the renovations.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

#### **ARTICLE 7 – CPC: ALLOCATIONS**

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Act Fund, a sum of money for the purpose of meeting the requirements of the Community Preservation Act, M.G.L., Chapter 44B, Section 6, for the purposes of Open Space, Community Housing (Affordable) and Historic Resources (Preservation) and to meet this appropriation, transfer a sum of money from the Community Preservation Fund(s); or take any other action in relation thereto.

Proposed by the Finance Director

**Explanation:** The purpose of this article is to comply with the provisions of M.G.L. Chapter 44B, Section 6 which requires that every fiscal year, upon recommendation of the Community Preservation Committee, Town Meeting shall spend, or set aside for later spending, not less than 10 percent of the annual revenues in the Community Preservation Fund for open space, not less than 10 percent of the annual revenues for historic resources and not less than 10 percent of the annual revenues for community housing. This article is normally found on the Annual Town Meeting warrant. However, since the Town received more revenue than estimated, the Massachusetts Department of Revenue requires that the Town reserve 10% of the additional revenues.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

#### **ARTICLE 8 – PEG ACCESS AND CABLE RELATED FUND ACCEPTANCE**

To see if the Town will accept M.G.L. Chapter 44, Section 53F ¾, to establish a special revenue fund known as the “PEG Access and Cable Related Fund” to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services, oversight and

renewal of the cable franchise agreement, and which fund will begin operation for fiscal year 2018, which begins on July 1, 2017, or take any other action in relation thereto.

Proposed by the Finance Director

**Explanation:** Beginning in 2010, cable contracts were signed with Verizon and later Comcast to provide cable access to the town of Duxbury. The Public Educational and Governmental (“PEG”) Access account receives funding from Verizon and Comcast. The revenue received by the Town of Duxbury is 5% of revenue that Verizon and Comcast receive from Duxbury subscribers. This amount can either increase or decrease quarterly based on the number of subscribers to cable on a quarterly basis. In FY 2015, the Town received \$344,092.72, and in FY 2016, the Town received \$359,908.88.

In turn, the Town has a contract with Plymouth Area Community Access Television to provide the Community Bulletin Board and the PEG Access coverage. The cost of this service is 3% of the revenue that Verizon and Comcast receive from Duxbury subscribers. In FY 2015, that cost was \$229,394.37, and in FY 2016, it cost \$239,892.20.

This account is also allowed to pay any costs for upgrades and equipment needed to provide PEG access coverage, as well as costs related to contract renewals.

Because of changes introduced by the Massachusetts Department of Revenue (DOR), the Town can no longer account for this activity under the current accounting methods employed by the Town. DOR is recommending that cities and towns adopt this statute to reserve the cable revenue for the purposes for which they were intended.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

## **ARTICLE 9 – FIRE PUMPING ENGINE FUNDING**

To see if the Town will transfer from available funds a sum of money to be transferred to the Fire Pumping Engine Capital Project Fund to pay down outstanding temporary debt, or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** A portion of the purchase of the Fire Pumping Engine was funded through a temporary note. The reasoning behind this decision is that the total purchase price, \$570,000, if funded with free cash or available funds, would have drastically reduced the funds needed to provide for other worthy projects presented in that fiscal year. The purpose of this article is to pay-off the remaining balance, \$200,000, which was borrowed at .75% interest for the initial purchase.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

## **ARTICLE 10 – NORTH HILL COUNTRY CLUB COURT JUDGMENT FUNDING**

To see if the Town will transfer from available funds a sum of money to pay down outstanding temporary debt needed to pay off North Hill Country Club Court Judgment, or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** During FY 2016, the Town was ordered through a court judgment to pay Johnson Golf \$435,000. The most financially prudent course of action was to borrow the necessary funds that would later be paid off with any available Free Cash.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

## **ARTICLE 11 – SPECIAL EDUCATION RESERVE FUND ACCEPTANCE**

To see if the Town will accept M.G.L. Chapter 40, Section 13E, to establish a reserve fund known as the Special Education Reserve Fund for the purpose of reserving funds to be used in the upcoming fiscal years to pay, without further appropriation, unanticipated or unbudgeted costs of special education, and further to transfer from available funds a sum of money to the fund, or take any other action in relation thereto.

Proposed by the School Business Manager and Finance Director

**Explanation:** It is important for the school system to establish a special education reserve fund because it will let us budget for known cost not the unknown in return our budget will be leaner. Special Education cost can vary depending on the child's need. By establishing this reserve fund we would be able to plan for the unanticipated cost that may come. The cost that would be paid with this Special Education Reserve Fund would only be special educational expenses for example, out-of-district tuition or transportation and other related special education cost.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

## **ARTICLE 12 – PENSION RESERVE FUND**

To see if the Town will transfer from available funds a sum of money to be added to the Pension Reserve Fund; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** The purpose of this article is to fund the Town's municipal pension reserve fund. It has been the practice of the Town over the last several years to transfer funds from the Pension Reserve Fund to the General Fund to offset increases in the Town's Contributory Pension



Assessment to Plymouth County. Since FY 2006, the fund has provided over \$940,000 to the General Fund. These are monies that would otherwise have to be found within the Tax Levy. Although financial markets have begun to improve in recent years, we need to continue to replenish this valuable reserve in order to support future funding. The balance in the fund as of December 2016 is \$899,321.38. Approval of this transfer from Free Cash will continue the replenishing the fund, thereby providing higher earnings potential.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

### **ARTICLE 13 – OTHER POST EMPLOYMENT BENEFITS**

To see if the Town will transfer from available funds a sum of money to be added to the Other Post-Employment Benefits Trust Fund; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** Employees of state and local governments may be compensated in a variety of forms. In addition to a salary, many employees earn benefits during their years of service that will not be received until after their employment with the government ends. The most common type of these post-employment benefits is a pension. Post-employment benefits other than pensions generally take the form of health insurance and dental, vision, prescription, or other healthcare benefits provided to eligible retirees, and may also include some type of life insurance. As a group, these non-pension benefits are referred to as Other Post-Employment Benefits (“OPEB”). In FY13, the voters at Town Meeting, with the support of the Board of Selectmen and the Finance Committee, established an OPEB Trust Fund. The Town currently funds retiree health insurance on a pay-as-you-go basis. This amount for FY16 is approximately \$1,115,000. Through various health plan changes coupled with increased funding, our Actuarial Accrued Liability is \$39,791,366.00. In order to control this liability, the Town’s actuary has recommended a minimum annual contribution of \$300,000. We must make every effort to fund this liability. Through December 2016, the balance in the fund has reached \$1,469,943.39. This has been made possible through Medicare Part D reimbursements and previous Town Meeting appropriations. The transfer of \$300,000 from Free Cash is an important step in recognizing our obligation.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

### **ARTICLE 14 – STABILIZATION FUND**

To see if the Town will transfer from available funds, a sum of money to be added to the Stabilization Fund; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** It has been the practice of the Town over the last several years to transfer available funds into the Stabilization Fund. In FY 2007, the balance in the Stabilization Fund was \$680,427. At the same time, Duxbury had a Standard & Poor's rating of AA and a Moody's Rating of AA2. As of December 31, 2016, the balance is \$3,295,265.58. Duxbury continues to enjoy a Standard & Poor's rating of AAA and a Moody's Rating of AA1. The enhancement of this reserve is a major factor when rating agencies consider upgrades.

With the approval of this transfer, coupled with projected earnings for FY 2016, this will provide an end-of-year balance exceeding \$3,400,000. This amount will equal slightly more than 5.37% of the Town's operating budget net of debt. Approval of this transfer in the amount of \$100,000 from Free Cash will ensure that our reserves are maintained at levels that will likely appeal to bond rating agencies. Increases to reserves are critical to maintaining our bond rating and ensuring the best interest rates possible on future borrowing.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

#### **ARTICLE 15 - ACCRUED LIABILITIES AND COMPENSATED ABSENCES FUND**

To see if the Town will transfer from available funds, a sum of money to be added to the Accrued Liabilities and Compensated Absences Fund; or take any action in relation thereto.

Proposed by the Finance Director

**Explanation:** Each year the Town experiences separations of employee service. These separations may include, but are not limited to, terminations, retirements, and even loss of life. At the time the annual departmental budgets are presented for Town Meeting approval no allowances are made for potential circumstances. The current balance in the fund as of December 31, 2016 is \$65,711.56. With funding of \$100,000 from Free Cash requested for this article, such payouts would not come from the individual departmental budgets. This would also mitigate future Special Town Meeting action to make individual budgets whole.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting*  
*Finance Committee Vote – Available at Town Meeting*

#### **ARTICLE 16 - APPLICATION OF BOND PREMIUM**

To see if the Town will vote to supplement each prior vote of the Town that authorized the borrowing of money to pay costs of capital projects to provide that, in accordance with M.G.L. Chapter 44, Section 20, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any action in relation thereto.

Proposed by the Finance Director

**Explanation:** Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.


**Recommendations:**    *Board of Selectmen Vote – Available at Town Meeting*  
                                  *Finance Committee Vote – Available at Town Meeting*

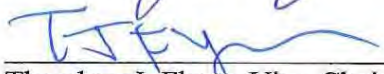
AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT by posting attested copies thereof as prescribed by M.G.L. Chapter 39, Section 10 and by Chapter 2, Section 2.3 of the Town of Duxbury General Bylaws, and by publishing a copy of this Warrant in a Plymouth County Newspaper, as prescribed by Article 2, Section 2.3 of the Duxbury By-Laws, at least fourteen (14) days before the time of holding said Meeting.

**Hereof fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of this meeting.**

Given under our hands this 13<sup>th</sup> day of February, 2017.

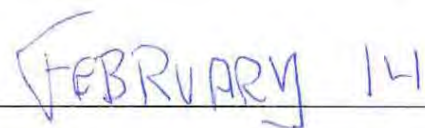
**BOARD OF SELECTMEN**

  
\_\_\_\_\_  
David J. Madigan, Chair

  
\_\_\_\_\_  
Theodore J. Flynn, Vice-Chair

  
\_\_\_\_\_  
Shawn Dahlen, Clerk

**Plymouth SS:**

  
\_\_\_\_\_, 2017

Pursuant to the warrant I have this day notified and warned the inhabitants of the Town of Duxbury, herein described, to meet at the time and place and for the purposes as prescribed by the bylaws of the Town.

A TRUE COPY ATTESTED

  
\_\_\_\_\_  
CONSTABLE OF DUXBURY